

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KATURAH SMITH, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

STK BELLEVUE, LLC, a Washington  
company,

Defendant.

No.

NOTICE OF REMOVAL

TO: Plaintiff Katurah Smith and her counsel of record

AND TO: CLERK OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN  
DISTRICT OF WASHINGTON

Pursuant to 9 U.S.C. § 205 and 28 U.S.C. § 1332 and § 1441, Defendant STK Bellevue, LLC (“STK”) hereby gives notice of its removal of this civil action, titled *Katurah Smith v. STK Bellevue, LLC*, Cause No. 22-2-02168-3 SEA, from the King County Superior Court of the State of Washington to the United States District Court for the Western District of Washington (at Seattle). A true and correct copy of the Complaint and Summons is filed herewith as Attachment A. The grounds for removal are as follows:

NOTICE OF REMOVAL - 1

1           1.       On February 16, 2022, STK was served with a summons and complaint in this  
2 case. Declaration of Keitha Francis (“Francis Decl.”) at ¶ 2. This removal is timely filed within  
3 30 days after the receipt of the initial pleading. 28 U.S.C. § 1446(b)(1).

4           2.       The complaint asserts claims on behalf of Plaintiff Katurah Smith (“Plaintiff”)  
5 and for “[a]ll individuals currently or formerly employed by STK in the State of Washington and  
6 paid on an hourly basis since February 10, 2019” (“Class Members”) for alleged wage and hour  
7 violations for “failing to pay for all hours worked or unlawfully capping wages without notice,  
8 failing to pay all tips, gratuities, and/or service charges, failing to provide one hour of paid sick  
9 leave for every forty hours worked, and failing to provide meal and rest breaks as required by  
10 Washington law.” Complaint at 1 ¶ 4.1; 3 ¶ 1.1.

11           3.       The complaint asserts, in relevant part, that Plaintiff and Class Members are  
12 entitled to “[d]amages for unpaid wages, tips, gratuities and service charges,” “[e]xemplary  
13 damages in amounts equal to double the wages due to Plaintiff and members of the putative  
14 class,” “[a]ttorney’s fees and costs,” “[p]rejudgment and post-judgment interest,” and “[s]uch  
15 other and further relief as the Court deems necessary, just, and proper.” *Id.* at 9-10 ¶¶ B-F.

16           4.       On June 4, 2021, Plaintiff entered into a binding Arbitration Agreement pursuant  
17 to the Federal Arbitration Act, 9 U.S.C., *et seq.* Francis Decl. at ¶ 3, **Exhibit A**.

18           5.       The Arbitration Agreement states, in relevant part, “[i]n the event of any dispute,  
19 claim or controversy including, but not limited to, any dispute, claim or controversy seeking  
20 compensatory and/or punitive damages (“claims”) arising out of any employees’ employment or  
21 the cessation of such employment with The Company, any such claims, on an individual or class  
22 basis, shall be submitted to final and binding arbitration. Such claims include, but are not limited  
23 to, any federal, state or local statutory claims (including, but not limited to. . . Wage and Hour  
24 Statutes. . .).” *Id.* at 1.

25           6.       The parties’ arbitration agreement is governed by the Federal Arbitration Act, 9  
26 U.S.C., *et seq.*

NOTICE OF REMOVAL - 2

1           7.       Plaintiff is a resident of Washington State. Francis Decl. at 2 ¶ 3.1.

2           8.       An LLC is a citizen of all states in which each of its members is a citizen. *Lindley*  
3 *Contours, LLC v. AABB Fitness Holdings, Inc.*, 414 F. App'x 62, 64 (9th Cir. 2011). Defendant  
4 STK Bellevue, LLC is wholly owned by The ONE Group, LLC. Francis Decl. at ¶ 4. Thus, the  
5 ONE Group, LLC is the sole member.

6           9.       The ONE Group, LLC is incorporated in Delaware with its principal place of  
7 business in Denver, Colorado. *Id.* at ¶ 5. The ONE Group, LLC is wholly owned by The ONE  
8 Group Hospitality, Inc. *Id.* at ¶ 6. The ONE Group Hospitality, Inc. is incorporated in Delaware  
9 with its principal place of business in Denver, Colorado. *Id.* at ¶ 7. Thus, The One Group, LLC  
10 is a citizen of Delaware and Colorado.

11          10.      The Court has jurisdiction pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441.  
12 There is complete diversity of citizenship between the parties because Plaintiff is a citizen of  
13 Washington and STK is a citizen of Delaware and Colorado. Plaintiff's claim for damages,  
14 double damages, and statutory attorneys' fees exceeds \$75,000.00. "The amount in controversy  
15 includes damages and, if authorized by statute or contract, attorney's fees." *Mykland v.*  
16 *CommonSpirit Health*, 3:21-CV-05061-RAJ, 2021 WL 4209429, at \*2 (W.D. Wash. Sept. 16,  
17 2021) (citing *Kroske v. U.S. Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2005) (citing *Galt G/S v.*  
18 *JSS Scandinavia*, 142 F.3d 1150, 1155-56 (9th Cir. 1998)).

19          11.      Attachment A constitutes all of the process, pleadings, and orders served on  
20 Defendant in this action. *See* 28 U.S.C. § 1446(a).

21          12.      Venue is proper in the United States District Court for the Western District of  
22 Washington because the Complaint was filed in the King County Superior Court.

23          13.      By filing this Notice, Defendant does not waive, and expressly reserve, any  
24 defenses which may be available. Defendant intends to arbitrate this dispute.

25  
26  
NOTICE OF REMOVAL - 3

14. In accordance with 28 U.S.C. § 1446(d), copies of this Notice of Removal will be served on the Plaintiff and filed with the Clerk of the Superior Court for the State of Washington for King County.

DATED: March 18, 2022.

STOEL RIVES LLP

s/Christopher T. Wall

Christopher T. Wall, WSBA No. 45873

s/Jacqueline Middleton

Jacqueline Middleton, WSBA No. 52636

600 University Street, Suite 3600

Seattle, WA 98101

Telephone: 206.624.0900

Facsimile: 206.386.7500

christopher.wall@stoel.com

jacqueline.middleton@stoel.com

Attorneys for Defendant STK Bellevue, LLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 2022 I electronically filed the foregoing with the Clerk of the Court, which will send electronic notice of such filing to the following counsel of record:

Gregory M. Skidmore  
Kaitlyn Gould  
Skidmore Fomina, PLLC  
14205 SE 36<sup>th</sup> Street, Suite 100  
Bellevue, WA 98006  
Tel: (425) 519-3656  
Email: [gskidmore@skidmorefomina.com](mailto:gskidmore@skidmorefomina.com)  
Email: [kgould@skidmorefomina.com](mailto:kgould@skidmorefomina.com)

James B. Pizl  
Entente Law PLLC  
315 Thirty-Ninth Avenue SW, Suite 14  
Puyallup, WA 98373-3690  
Tel: (253) 446-7668  
Email: [jim@ententelaw.com](mailto:jim@ententelaw.com)

DATED at Seattle, Washington this 18th, March, 2022.

*s/Debbie Dern*

Debbie Dern, Legal Practice Assistant

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